

ESTTA Tracking number: **ESTTA570163**

Filing date: **11/11/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	ROBINSON OUTDOOR PRODUCTS, LLC		
Entity	Limited Liability Company	Citizenship	California
Address	110 North Park Drive Cannon Falls, MN 55009 UNITED STATES		

Attorney information	Michael T. Olsen Winthrop & Weinstine, P.A. 225 South Sixth Street 3500 Capella Tower Minneapolis, MN 55402 UNITED STATES Trademark@winthrop.com, molsen@winthrop.com, jbriley@winthrop.com
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Registration Subject to Cancellation

Registration No	3821080	Registration date	07/20/2010
Registrant	Rule 66, LLC 20780 Fortuna Del Norte Escondido, CA 92029 CANADA		

Goods/Services Subject to Cancellation

Class 025. First Use: 2008/01/01 First Use In Commerce: 2008/01/02 All goods and services in the class are cancelled, namely: Apparel, namely, t-shirts, shirts, shorts, pants, sweatshirts, sweatpants, jackets, hats, visors, shoes, sandals, jackets, underwear, socks, and belts

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	20131111 Service Letter on Owner for Route 66 LLC with Petition - Petition to Cancel - TRINITY.pdf(197343 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/mto/
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Name	Michael T. Olsen
Date	11/11/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Robinson Outdoor Products, Inc.)	
)	
Petitioner,)	
)	
v.)	
)	Cancellation No. _____
Rule 66, LLC)	
)	
Respondent.)	
)	_____

PETITION TO CANCEL (ABANDONMENT)

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

Robinson Outdoor Products, LLC (“Petitioner”), believes that it is and will continue to be damaged by registration of the mark TRINITY PRODUCTS, U.S. Registration No. 3,821,080, and hereby petitions to cancel the same pursuant to the provisions of 15 U.S.C. § 1064.

The grounds for cancellation are as follows:

COUNT 1

1. Petitioner is the record owner of the mark TRINITY (“Petitioner’s Mark”) in connection with “hunting clothing and camouflage clothing, namely, jackets, pants, bibs, shirts, pullovers, coveralls, gloves, hats, headcovers, facemasks, vests, boots, and shoes all with odor reducing technology” in International Class 25 (Application Serial No. 85/748,789) (“Petitioner’s Application”).

2. Upon information and belief, Rule 66, LLC (“Respondent”) is the record owner of U.S. Reg. No. 3,821,080 for the mark TRINITY PRODUCTS for “apparel, namely, t-shirts, shirts,

shorts, pants, sweatshirts, sweatpants, jackets, hats, visors, shoes, sandals, jackets, underwear, socks, and belts in International Class 25 (“Respondent’s Registration”).

3. The Examining Attorney assigned to Petitioners Application has refused registration of Petitioner’s TRINITY mark under Section 2(d) of the Lanham Act based on Respondent’s Registration.

4. Upon information and belief, U.S. Reg. No. 3,821,080 for Respondent’s TRINITY PRODUCTS mark constitutes “deadwood” on the Principal Register.

5. Upon information and belief, Respondent discontinued use in commerce of Respondent’s TRINITY PRODUCTS mark in connection with Respondent’s goods with intent not to resume such use in commerce. Upon information and belief, Respondent discontinued use in commerce of Respondent’s TRINITY PRODUCTS mark more than three years ago. Respondent’s failure to make use in commerce of Respondent’s XYZ mark in connection with Respondent’s goods for three or more consecutive years constitutes prima facie evidence of abandonment. On information and belief, Respondent has abandoned Respondent’s TRINITY PRODUCTS mark, warranting cancellation of U.S. Reg. No. 3,821,080.

6. Petitioner is likely to be damaged by the continued registration of U.S. Reg. No. 3,821,080, since the Trademark Office has refused registration of Petitioner’s TRINITY mark under Section 2(d) of the Lanham Act, relying on U.S. Reg. No. 3,821,080.

Count 2

7. Petitioner hereby restates allegations 1 through 3 above as if made fully herein below.

8. Upon information and belief, the Identification of Goods in Respondent’s Registration is unrestricted.

9. Upon information and belief, the Identification of Goods in Petitioner's Application namely "hunting clothing and camouflage clothing, namely, jackets, pants, bibs, shirts, pullovers, coveralls, gloves, hats, headcovers, facemasks, vests, boots, and shoes all with odor reducing technology" are unrelated to the goods in Respondent's Registration.

10. Upon information and belief, Respondent has not used its TRINITY PRODUCTS mark on hunting clothing and camouflage clothing, namely, jackets, pants, bibs, shirts, pullovers, coveralls, gloves, hats, headcovers, facemasks, vests, boots, and shoes all with odor reducing technology and has therefore abandoned its mark as to such goods and the trade channels for such goods.

11. Upon information and belief, excluding from the Identification of Goods in Respondent's Registration hunting clothing and camouflage clothing with odor reducing technology will avoid a likelihood of confusion with Petitioner's TRINITY mark in connection with "hunting clothing and camouflage clothing, namely, jackets, pants, bibs, shirts, pullovers, coveralls, gloves, hats, headcovers, facemasks, vests, boots, and shoes all with odor reducing technology in Class 25."

12. Petitioner is likely to be damaged by the continued unrestricted registration of Respondent's Registration, since the Trademark Office has refused registration of Petitioner's TRINITY mark under Section 2(d) of the Lanham Act based on Respondent's Registration.

WHEREFORE, pursuant to Section 14 of the Lanham Act, 15 U.S.C. § 1064, Petitioner respectfully requests that U.S. Registration No. 3,821,080 be canceled and that this Petition to Cancel be sustained.

WHEREFORE, in the alternative, Petitioner respectfully requests that U.S. Registration No. 3,821,080 be partially cancelled pursuant to Section 18 of the Lanham Act, 15 U.S.C. § 1068, to


reflect the following Identification of Goods description:

Apparel, namely, t-shirts, shirts, shorts, pants, sweatshirts, sweatpants, jackets, hats, visors, shoes, sandals, jackets, underwear, socks, and belts excluding hunting clothing and camouflage clothing.

Respectfully Submitted,

WINTHROP & WEINSTINE, P.A.

Dated: November 11, 2013

A handwritten signature in cursive script, appearing to read "Michael T. Olsen", written over a horizontal line.

Michael T. Olsen
3500 Capella Tower
225 South Sixth Street
Minneapolis, MN 55402-4629
Telephone: (612) 604-6400
Facsimile: (612) 604-6800

ATTORNEYS FOR PETITIONER
ROBINSON OUTDOOR PRODUCTS,
INC.

7998443v2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Robinson Outdoor Products, Inc.,)	
)	
Petitioner,)	
)	
v.)	
)	Cancellation No. _____
Rule 66, LLC,)	
)	
Respondent.)	
)	_____

CERTIFICATE OF SERVICE BY MAIL

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)


Elizabeth McDermott, of the City of Minneapolis, County of Hennepin, in the State of Minnesota, says that on the 11th day of November, 2013, she mailed by First Class mail, a true and correct copy of Petitioner's:

1. Petition to Cancel (Abandonment)

in the above-captioned action to the following last known address of record for Respondent and Respondent's representative, to-wit:

Owner/President
Rule 66, LLC
20780 Fortuna Del Norte
Escondido, California 92029

Pollie Gautsch, Esq.
G&A Legal, Apc
2033 San Elijo Ave # 201
Cardiff, California 92007-1726



Elizabeth McDermott